

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Jessie Jermaine Hammond,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 2:20-4048-BHH
v.	)	
	)	
Concrete Pipe and Precast,	)	
and Dan Arnstaff,	)	<b><u>ORDER</u></b>
	)	
Defendants.	)	
	)	

This matter is before the Court upon Plaintiff Jessie Jermaine Hammond's pro se complaint filed pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.), the matter was referred to a United States Magistrate Judge for preliminary determinations. On June 28, 2021, Magistrate Judge Mary Gordon Baker issued a report and recommendation ("Report") outlining Plaintiff's complaint and recommending that the Court summarily dismiss Plaintiff's claims against Defendant Dan Arnstaff. Attached to the Report was a notice advising the parties of the right to file specific, written objections to the Report within fourteen days after being served with a copy. To date, no written objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole

or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge that Plaintiff has failed to state a plausible Title VII claim against Defendant Arnstaff.

Accordingly, the Court hereby adopts the Magistrate Judge’s Report (ECF No. 24) and dismisses Defendant Arnstaff with prejudice. The action is still pending against the remaining Defendant.

**IT IS SO ORDERED.**

/s/Bruce H. Hendricks  
United States District Judge

July 22, 2021  
Charleston, South Carolina